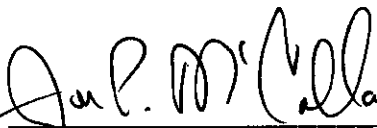


judgment with respect to their claim of the existence of a permanent easement of ingress and egress over the Lower Hatchie National Wildlife Refuge.

After Plaintiffs filed their motion, the Court held a pretrial conference in this matter on October 18, 2005. At the conference, the parties agreed to proceed to trial and to dispose of the case on the merits instead of on a preliminary determination of summary judgment. The Court also held a telephone conference on December 20, 2005. Pursuant to that conference, the parties agreed that they will submit proposed findings of fact and conclusions of law five (5) days in advance of the trial. Counsel will give summation arguments and the case will be tried on the affidavits, depositions, and memoranda of law. Accordingly, Plaintiffs' Renewed Motion for Summary Judgment is hereby DENIED, without prejudice.

So ORDERED this 20 day of December, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE

(. . . continued)

United States claims an interest, other than a security interest or water rights." 28 U.S.C. § 2409a(a).



Notice of Distribution

This notice confirms a copy of the document docketed as number 70 in case 2:04-CV-02597 was distributed by fax, mail, or direct printing on December 21, 2005 to the parties listed.

Gary A. Vanasek
U.S. ATTORNEY'S OFFICE
200 Jefferson
Suite 811
Memphis, TN 38103

J. Houston Gordon
LAW OFFICES OF J. HOUSTON GORDON
114 W. Liberty Ave.
Ste. 300
Covington, TN 38019--084

Honorable Jon McCalla
US DISTRICT COURT